WILLIAM H. WEBSTER

International Square Building 1850 K Street, N.W. Suite 1100 Washington, D.C. 20006

July 12, 2012

The Honorable Robert S. Mueller III

• ffice of the Director

Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

Dear Director Mueller:

On December 17, 2009, you asked me to conduct an independent investigation of the Federal Bureau of Investigation's handling of counterterrorism intelligence before and after the tragic shootings at Fort Hood, Texas, on November 5, 2009. Although the FBI had conducted its own internal investigation in the immediate aftermath of the shootings and had implemented procedural, operational, and technological improvements, you believed that an objective, independent review was critical to understanding the FBI's actions and assessing the potential for further improvements.

I appreciate your decision to entrust me with this important work. I agreed to what proved to be a complex and lengthy assignment. The Terms of Reference were extraordinary in scope. You requested not only a full investigation of the manner in which the FBI and its Joint Terrorism Task Forces handled and acted on counterterrorism intelligence before and after the shootings, but also a review and assessment of the FBI's governing authorities and the FBI's remedial measures in the aftermath of Fort Hood — with a particular focus on whether existing laws and policies strike an appropriate balance between protecting individual privacy rights and civil liberties and detecting and deterring threats. That broad mandate was complicated, and its importance underscored, by subsequent terror-related events.

In discharging my duties, I asked several distinguished citizens to volunteer their time to serve as Commissioners and Staff. Their contributions of time and energy were

substantial, adding to the already significant demands of their work in the private sector. Their commitment to this investigation and the resulting report was an act of selfless patriotism.

The Commission took its responsibilities seriously. I want to acknowledge the diligence and care with which my colleagues pursued the sensitive, complex matters under review. The investigation was careful and meticulous. Our discussions were vigorous. The Commissioners asked questions and expressed their perspectives, concerns, and opinions with candor. Although we disagreed from time to time during the course of our investigation, we are unanimous in our factual findings, our analysis of the FBI's actions, our recommendations, and every other aspect of the Final Report.

When I agreed to undertake this project, you promised the FBI's full cooperation and support. That promise was fulfilled. I commend the cooperation and candor of FBI, Joint Terrorism Task Force, and Department of Justice personnel at every level. We particularly appreciated, and commend, the assistance of your appointed liaison, Special Counsel James D. Walsh.

We have not hesitated to identify shortcomings when we found them. We conclude that, working in the context of the FBI's governing authorities and policies, operational capabilities, and the technological environment of the time, FBI and Joint Terrorism Task Force personnel who handled relevant counterterrorism intelligence information made mistakes. We do not find, and do not suggest, that these mistakes resulted from intentional misconduct or the disregard of duties. Indeed, we find that each Special Agent, Intelligence Analyst, and Task Force Officer who handled the information acted with good intent.

We do not find, and do not believe, that anyone is solely responsible for mistakes in handling the information. We do not believe it would be fair to hold these dedicated personnel, who work in a context of constant threats and limited resources, responsible for the tragedy that occurred months later at Fort Hood. We conclude instead that these individuals need better policy guidance to know what is expected of them in performing their duties. We conclude that FBI personnel need better technology, review protocols, and training to navigate the weighty and ever-expanding flow of intelligence information. We also conclude that the FBI should continue to focus on compliance monitoring and the oversight of authorized investigative techniques that may affect privacy rights and civil liberties.

We make eighteen (18) formal recommendations for corrective and enhancing measures on matters ranging from FBI policies and operations to information systems infrastructure, review protocols, and training. We also identify, but take no position on, two legislative actions that the FBI could propose to improve its ability to deter and detect terrorist threats. Finally, as requested, we assess whether any administrative action should be taken against any employee involved in this matter, and we conclude that administrative action is not appropriate.

Although we recommend corrective and enhancing measures, nothing said in this report is intended to cast doubt on the dedication and professionalism of the men and women who serve our nation in combating terror and crime.

I am pleased to submit the Final Report of the William H. Webster Commission on the Federal Bureau of Investigation, Counterterrorism Intelligence, and the Shootings at Fort Hood, Texas, on November 5, 2009.

Sincerely,

William H. Webster

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